


Doc Code: AP.PRE.REQ

PTO/SB/33 (12-08)

Approved for use through 01/31/2009. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number (Optional)  112300-752						
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on _____</p> <p>Signature _____</p> <p>Typed or printed name _____</p>	<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="width: 50%; padding: 5px;">Application Number  10/662,618</td><td style="width: 50%; padding: 5px;">Filed  September 15, 2003</td></tr><tr><td colspan="2" style="padding: 5px;">First Named Inventor  Chamberlain, et al.</td></tr><tr><td style="padding: 5px;">Art Unit  3714</td><td style="padding: 5px;">Examiner  Pandya, Sunit</td></tr></table>		Application Number  10/662,618	Filed  September 15, 2003	First Named Inventor  Chamberlain, et al.		Art Unit  3714	Examiner  Pandya, Sunit
Application Number  10/662,618	Filed  September 15, 2003							
First Named Inventor  Chamberlain, et al.								
Art Unit  3714	Examiner  Pandya, Sunit							
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p>  <p>This request is being filed with a notice of appeal.</p>  <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p>  <div style="display: flex; justify-content: space-between;"><div style="width: 45%;"><p>I am the</p><p><input type="checkbox"/> applicant/inventor.</p><p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p><p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>35,602</u></p><p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p></div><div style="width: 50%; text-align: center;"> _____ Signature  Adam H. Masia _____ Typed or printed name  312-807-4284 _____ Telephone number  April 29, 2009 _____ Date</div></div> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>								
<p><input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>								

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Chamberlain, et al.  
Appl. No.: 10/662,618  
Conf. No.: 9761  
Filed: September 15, 2003  
Title: GAMING DEVICE HAVING AN ELECTRONIC FUNDS TRANSFER  
SYSTEM  
Art Unit: 3714  
Examiner: Pandya, Sunit  
Docket No.: 0112300-752

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

This request is submitted in response to the Final Office Action of January 29, 2009. This request is filed with USPTO form PTO/SB/33, "Pre-Appeal Brief Request for Review" and form PTO/SB/31, "Notice of Appeal." If any fees are due, the office is hereby authorized to deduct said fees from Deposit Account No.: 02-1818.

The Office Action mailed January 29, 2009 rejects Claims 1 to 15, 17 to 22, and 24 to 29 under 35 U.S.C. § 102(b) as being anticipated by *Lucero* (U.S. Patent 6,019,283). Applicants respectfully disagree with and traverses this rejection.

This Office Action is substantially identical to the previously overcome Office Action mailed October 4, 2005. Essentially, the only difference between the current rejection and the previous rejection is that a different member of the same patent family was used. The previous rejection was based on U.S. Patent No. 5,457,306, and this rejection is based on U.S. Patent No. 6,019,283. The specifications of these two patents are essentially identical with the exception of the addition of FIG. 7 and the corresponding description beginning in col. 8. Each of the citations in the present Office Action point to essentially identical language as the previously overcome Office Action. With respect to the independent claims, there are no citations in the present Office Action to the new matter in the later version of *Lucero*.

As previously and successfully argued, all of the current claims are patentable over *Lucero*. More specifically, each of the independent claims recites two independent

processors and/or control units. One of the processors/controllers is a game processor (e.g., to provide a slot machine game), and the other processor/controller is an electronic funds transfer (EFT) unit (e.g., to communicate with an outside financial institution). As claimed, these two processors/controllers operate without direct communication there between because the gaming system and the EFT system may be regulated by two different bodies. Typically, the gaming system is regulated by a state gaming commission, and the EFT system is regulated by the banking industry.

Because gaming systems and EFT systems are regulated by different bodies, an embodiment of the present invention contemplates the purchase an approved EFT device (e.g., approved by the banking industry) that maybe physically installed in the same cabinet as an approved gaming device (e.g., approved by a state gaming commission). The game processor and the casino's ticket validation network are not used to send EFT requests to the remote fund repository (e.g., a bank). Similarly, the EFT control unit and the EFT network are not used to validate casino tickets.

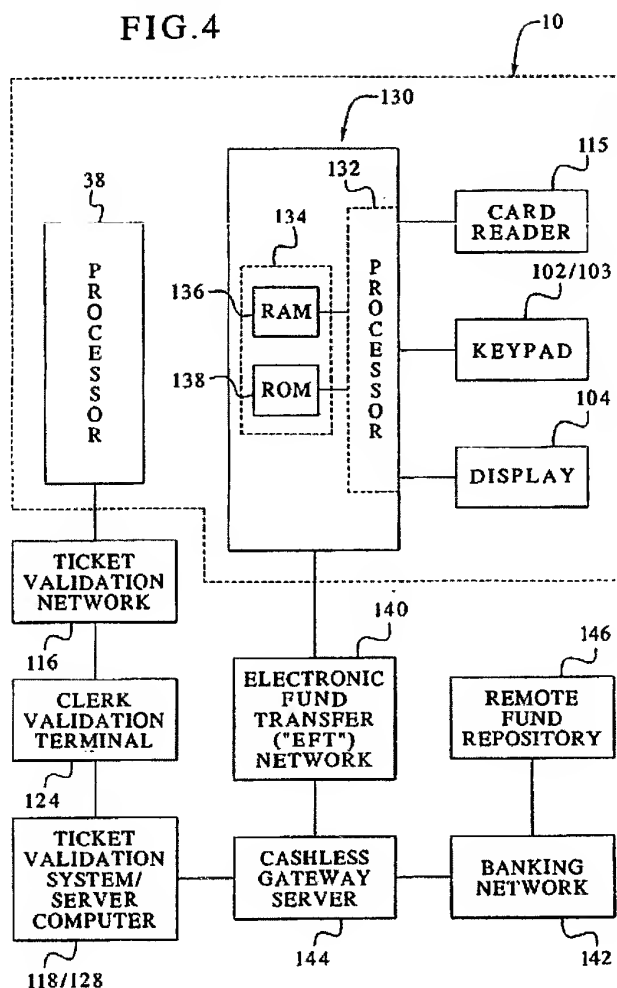
In this manner, each device may be constructed and approved separately from the other device. If the game processor or the casino's ticket validation network were used to send EFT requests, the gaming device would require approval by the banking industry in addition to approval by the state gaming commission. If the EFT processor or the EFT network were used to validate printed casino tickets, the EFT device would require approval by the state gaming commission in addition to the banking industry.

This idea of having one system to handle gaming functions and another system to handle EFT functions is documented in the specification. For example, see:

Referring now to Fig. 4, a general electronic configuration of the electronic funds transfer system for the gaming device 10 is illustrated. For reference, the processor 38 described above that communicates with the ticket validation network 116, is illustrated. The system includes an EFT control unit 130, which has a processor 132 and a memory device 134. It should be appreciated that in one preferred embodiment, the processor 38 does not connect to or communicate directly with the EFT control unit 130. (page 26, lines 15-21; emphasis added)

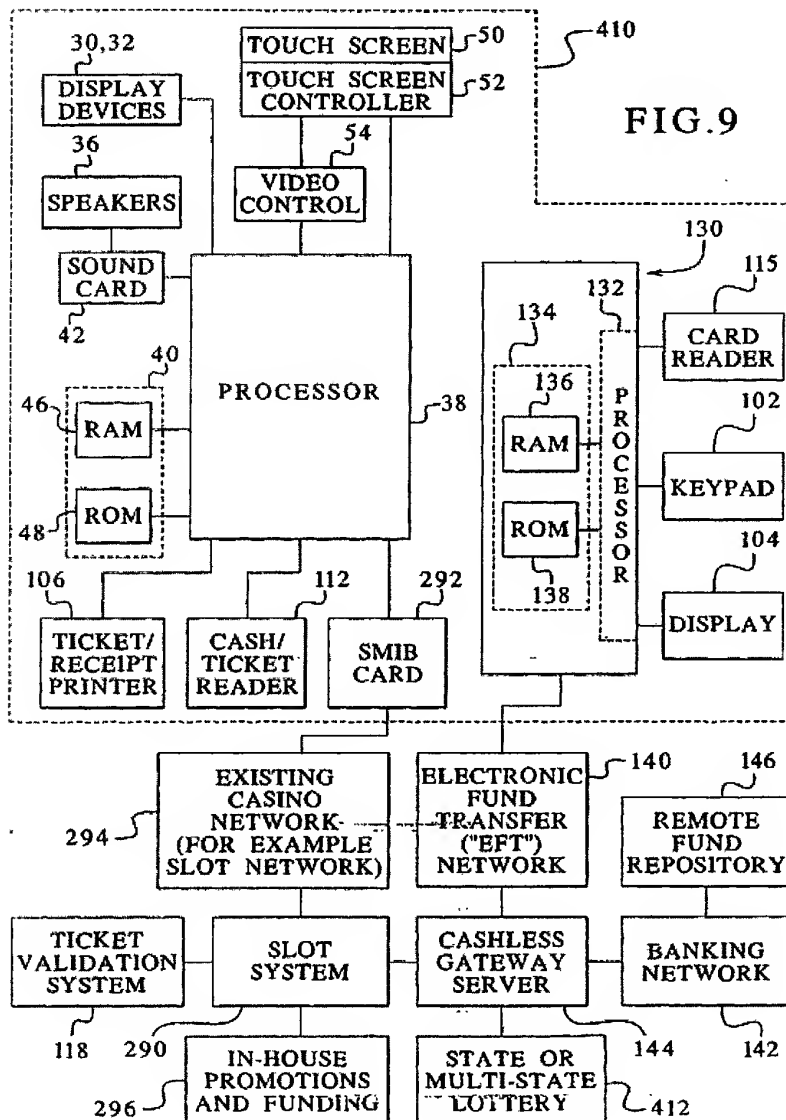
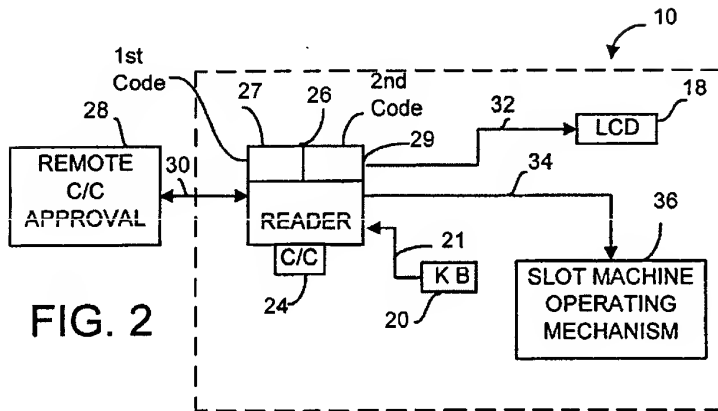
While the EFT control unit 130 and the processor 38 are preferably physically housed in the same gaming device 10 in this embodiment, the two devices do not directly communicate. (page 31, lines 1-4; emphasis added)

FIG. 4



*Lucero* does not teach or suggest a game processor and a separate electronic funds transfer control unit that do not directly communicate with each other as currently claimed. This distinction between *Lucero* and the present invention is most readily seen by comparing Fig. 2 of *Lucero* with Fig. 9 of the present application.

Fig. 2 of *Lucero* shows a communication path 34 between the slot machine operating mechanism 36 and the card reader 26. *Lucero* teaches that the card reader 26 communicates EFT information to the slot machine operating mechanism 36 via the communication path 34.




*Lucero states:*

The reader 26 is coupled with a remote card approval financial institution 28 where it is determined if the charge card is entitled to the credit requested and, optionally, if the person requesting playing credit is the rightful user of the card and meets any other conditions for the grant of the requested playing credit. Status of the card is returned over line 30 to reader 26 where status information is supplied to the liquid crystal display 18 on line 32. If the card is invalid, or the person requesting the playing credit is not entitled to it, the display so indicates. If the card is acceptable for the amount of credit desired, the liquid crystal display 18 gives instructions on making use of the credit through the use of the keyboard 20. The information generated through the keyboard 20 is coupled on line 21 to reader 26 which provides the necessary signals on line [3]4 to the gaming machine operating mechanism 36 to allow the player to use the credit by operating the gaming machine. (col. 4, lines 47 to 64; emphasis added)

In contrast, the present application teaches a game processor 38 and an EFT controller 130 (e.g., within gaming device 410) that do not have a direct communication path between them (See Fig. 9). The game processor 38 connects to a ticket validation network 116, and the EFT controller 130 connects to an EFT network 140. This construction allows for separate components to be regulated separately.

In light of the above, Applicants respectfully submit that the present claims are both novel and non-obvious and respectfully requests that the rejections be reversed.

Respectfully submitted,  
K&L GATES LLP

BY   
\_\_\_\_\_  
Adam H. Masia  
Reg. No. 35,602  
Customer No. 29159

Dated: April 29, 2009